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7  
8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, )  
12 )  
13 vs. )  
14 AMYSTREDAN BARBOSA DA SILVA, )  
a/k/a Amysterdan Da Silva )  
15 Defendant. )  
16

CASE NO. 2:17-CR-00001-JAD-CWH

STIPULATION TO CONTINUE  
SENTENCING  
(SECOND REQUEST)

17 IT IS HEREBY STIPULATED AND AGREED, between the United States of America,  
18 through its attorneys, DAYLE ELIESON, United States Attorney, and PATRICK BURNS, Assistant  
19 United States Attorney, and Defendant Amystredan Barbosa Da Silva, through his counsel,  
20 RUSSELL E. MARSH, ESQUIRE, WRIGHT MARSH & LEVY, that the sentencing hearing  
21 currently scheduled for November 27, 2018, at 10:00 a.m., be vacated and set to a date and time  
22 convenient to this Court, but no sooner than seventy-five (75) days from the current sentencing date.

23 This stipulation is entered into for the following reasons:

- 24 1. The Defendant is currently in detention at the Nevada Southern Detention Center.  
25 Mr. Da Silva agrees with this request for a continuance.  
26 2. Since the first continuance of the sentencing date, new defense counsel has been  
27 appointed.

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1           3.       In addition, there was a delay in the delivery of the Presentence Investigation Report  
2 ("PSR"). Therefore, defense counsel needs additional time to prepare objections and to otherwise  
3 prepare for Defendant Amystredan Barbosa Da Silva's sentencing.

4           4.       Mr. Barbosa Da Silva requests a continuance of the sentencing until some time in  
5 February 2019, so that counsel can prepare for sentencing and defendant's relatives can possibly  
6 come to Las Vegas for the hearing.

7           5.       The parties agree to the requested continuance.

8           6.       Additionally, denial of this request for continuance could result in a miscarriage of  
9 justice.

10          7.       The additional time requested by this Stipulation is made in good faith and not for  
11 purposes of delay.

12               This is the second request for a continuance of the sentencing hearing.

13               Dated this 6th day of November, 2018.

14       WRIGHT MARSH & LEVY

DAYLE ELIESON  
UNITED STATES ATTORNEY

16       BY /s/ Russell E. Marsh  
17       RUSSELL E. MARSH, ESQUIRE  
Attorney for Defendant Da Silva

BY /s/ Patrick Burns  
PATRICK BURNS  
Assistant U.S. Attorney

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
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4 UNITED STATES OF AMERICA, )  
5 Plaintiff, )  
6 vs. )  
7 AMYSTREDAN BARBOSA DA SILVA, )  
8 a/k/a Amysterdan Da Silva )  
9 Defendant. )


CASE NO. 2:17-CR-00001-JAD-CWH

ORDER

10 Based on the Stipulation of the parties, the Court hereby continues the sentencing of  
11 Defendant Amystredan Barbosa Da Silva in this matter. The ends of justice served by granting said  
12 continuance outweigh the best interest of the public and the Defendant in a speedy sentencing, since  
13 the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny  
14 the parties herein sufficient time and the opportunity within which to be able to effectively and  
15 thoroughly prepare for sentencing, taking into account the exercise of due diligence.

16 IT IS THEREFORE ORDERED that the sentencing in the above-captioned matter currently  
17 scheduled for November 27, 2018 at 10:00 a.m., be vacated and continued to February 4, 2019,  
18 at the hour of 9:00 a.m.

19 DATED this 8th day of November, 2018.

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21   
22 JENNIFER A. DORSEY  
23 United States District Judge  
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